



FISCAL MEMORANDUM

SB 1146 - HB 1301

March 11, 2022

SUMMARY OF BILL AS AMENDED (015459): Enacts regulations surrounding a newborn safety device as a means of surrendering a newborn infant. Expands the period a newborn infant may be surrendered from 2 weeks or younger to 30 days or younger. Ensures that the mother of the newborn infant has the right to remain anonymous and not be pursued. Removes the provision that prohibits prosecution of a mother's act of voluntarily delivering her unharmed infant to a facility. Requires a facility that accepts a surrendered newborn infant to first take the infant to the nearest hospital emergency room. Requires the hospital to immediately notify the Department of Children's Services (DCS). Requires the Office of Vital Records to issue a new birth certificate for the infant, which supersedes and invalidates any previously issued birth certificate.

FISCAL IMPACT OF BILL AS AMENDED:

NOT SIGNIFICANT

Assumptions for the bill as amended:

- The implementation of the proposed legislation would not mandate that facilities insert newborn safety devices, but rather creates regulations regarding the devices that have or will be installed.
- Tennessee Code Annotated § 68-11-255(a)(3) states that a mother can only voluntarily surrender her infant of two weeks or younger. However, the proposed legislation alters that to allow the voluntary surrender of an infant of 30 days or younger.
- According to the DCS, between the time the original safe haven law took effect in 2001 to April of 2015, 80 newborns were surrendered, which is an average of almost 6 (80 newborns / 14 years) newborns a year. Although the original legislation that was enacted in 2001 only allowed mothers to surrender newborns up to two weeks old, for the purpose of this analysis it is assumed that increasing the amount of time will not lead to a significant increase in the number of surrendered newborns.
- The proposed legislation changes the process taken by a facility after an infant is surrender from being required to contact DCS within 24 hours of receiving the infant to assume custody, to the facility being required to immediately take the infant to the nearest emergency room where DCS is immediately called to assume custody.
- Any change to procedures or regulations will have no fiscal impact to DCS.
- Removing the provision that prohibits prosecution of a mother's act of voluntarily delivering her unharmed infant to a facility is not suspected to result in a significant

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increase in prosecutions, as this legislation further details the anonymity requirements of such facilities, as well as establishes that the parent is not to be considered to have criminally endangered the newborn unless indicators of child abuse or child neglect are present.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

/cd